



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,580	09/02/2004	Wojciech Doganowski	LHUD-03901-NUS	2859
33794	7590	06/24/2008	EXAMINER	
MATTHIAS SCHOLL 14781 MEMORIAL DRIVE SUITE 1319 HOUSTON, TX 77079			NOONAN, WILLOW W	
			ART UNIT	PAPER NUMBER
			2146	
			NOTIFICATION DATE	DELIVERY MODE
			06/24/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTORECEIPT@GMAIL.COM  
IPRECEIPT@GMAIL.COM

<b>Office Action Summary</b>	<b>Application No.</b> 10/506,580	<b>Applicant(s)</b> DOGANOWSKI ET AL.	
	<b>Examiner</b> WILLOW NOONAN	<b>Art Unit</b> 2146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 44-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. The instant application having Application No. 10/506,580 has a total of 43 claims pending in the application; there are 2 independent claims and 41 dependent claims, all of which are ready for examination by the examiner.

### ***Response to Arguments***

2. Applicant's arguments with respect to the rejection(s) of claim(s) 1-86 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 44-51, 54-66, 68-75, and 78-85 are rejected under 35 U.S.C. 102(b) as being anticipated by Benardeau (U.S. Patent No. 6,904,522).

Regarding claims 44, 49, 68, and 73, Benardeau teaches a broadcast network access-management system comprising at least one master decoding device provided with a smart card. See Benardeau at fig. 4 (illustrating master device, 12, and smart card, 30). Benardeau teaches at least one slave decoding device, a connection linking

the master decoding device and the slave decoding device. See Benardeau at fig. 4 (50, 51). Benardeau teaches a transmitter device for generating and transmitting entitlement management messages intended for the master and slave decoding devices and the other devices. See Benardeau at col. 10, lines 14-23. Benardeau also teaches that the connection linking the master decoding device and the slave decoding device is continuously checked and the slave decoding device operates when the connection between the master decoding device and the slave decoding device remains unchanged or changes in allowable limits. See Benardeau at col. 16, lines 58-60 ("In all cases it is necessary to ensure a securised link between the decoder and recorder").

Regarding claims 45 and 69, Benardeau teaches a decoding device is assigned a status of the master decoding device only after it has been linked to a network and an entitlement control message for the master decoding device has been found. See Benardeau at col. 9, lines 52-67 (describing entitlement messages); Benardeau at col. 2, lines 52-60 (describing the role of the master).

Regarding claims 46 and 70, Benardeau teaches transmission of the entitlement control message appropriate for the master decoding device. See Benardeau at col. 9, lines 24-51.

Regarding claims 47, 48, 71, and 72, Benardeau teaches that the entitlement message contains control information for authenticating the slave devices. See Benardeau at col. 14, lines 55-59.

Regarding claims 50 and 74, Benardeau teaches that the slave decoding device triggers the master decoding device to transmit the entitlement control message

appropriate for the slave decoding device and messages with demand for coupling.

See Benardeau at col. 14, lines 51-59.

Regarding claims 51 and 75, Benardeau teaches that devices are periodically re-authenticated. See Benardeau at col. 9, lines 30-37.

Regarding claims 54, 56, 57, 78, and 80, Benardeau teaches that decoding devices are assigned the status of the master decoding device and the slave decoding device after transmission of encoded messages by the transmitter device generating and transmitting specified codes. See Benardeau at col. 2, lines 52-63.

Regarding claims 55 and 79, Benardeau teaches that the broadband network may be a cable network. See Benardeau at col. 7, lines 30-32 ("As used herein, the term "digital television system" includes for example any satellite, terrestrial, cable and other system").

Regarding claims 58-66, and 81- 85, Benardeau teaches that the messages exchanged between the master decoding device and the slave decoding devices are messages used to identify the master decoding device and the slave decoding devices, systems that are their component parts, or external devices linked to them. See Benardeau at col. 14, lines 55-65.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2146

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 52, 53, 76, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benardeau in view of Vedder (U.S. Patent No. 6,154,447).

Regarding claims 52, 53, 76, and 77, Vedder teaches monitoring signal levels and comparing them to a threshold. See Vedder, *Abstract*. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Vedder's technique in Benardeau's system because Vedder teaches that the disclosed technique may be used to detect disconnected cables. See Vedder at col. 3 lines 1-10.

7. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benardeau.

Regarding claim 67, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use TCP/IP over Ethernet for the communications between the master and slave devices.

8. Claim 86 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benardeau in view of Aoyagi (U.S. Patent App. Pub. No. 2002/0032761).

Regarding claim 86, Aoyagi teaches monitoring for network changes, including network topology and device configuration. See Aoyagi, *Abstract*. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Aoyagi's technique in Benardeau's system because Aoyagi's technique is generally applicable and useful for monitoring communications networks.

**Conclusion**

9. Please see the included *Notice of References Cited* for additional prior art considered pertinent to applicant's disclosure but not explicitly relied upon in this action.

10. The examiner requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

11. When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willow Noonan whose telephone number is (571) 270-1322. The examiner can normally be reached on Monday through Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2146

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Willow Noonan/

Examiner, Art Unit 2146

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2146